

**REMARKS**

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

By the foregoing amendment, claims 1 and 5 have been amended. No new matter has been added. Support for the amendment can be found at least on page 8, lines 8-10, and page 9, line 24 through page 10, line 1, of the specification. Thus, claims 1-9 are currently pending in the application and subject to examination.

In the Office Action mailed on March 28, 2007, claims 1-4 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,863,806 to Merrick et al. ("Merrick"). Claims 5 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,446,375 to Aird ("Aird"). Claim 6 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Aird in view of U.S. Patent Publication No. 2003/0121437 to Nishimura ("Nishimura"). Claim 7 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Aird in view of U.S. Patent No. 5,679,975 to Wyland et al. ("Wyland"). Claim 8 was rejected as being unpatentable under 35 U.S.C. § 103(a) over Aird in view of U.S. Patent No. 6,885,016 to Worley et al. ("Worley"). It is noted that claims 1 and 5 have been amended. To the extent the rejections remain applicable to the claims currently pending, the Applicants hereby traverse the rejection, as follows.

**Claims 1 and 5 Recite Patentable Subject Matter**

Regarding amended claims 1 and 5, the Applicants respectfully submit that the cited prior art, taken alone or in combination, fails to disclose or suggest at least the features of the present invention of "a shielding frame . . . wherein the shielding frame

has a window such that when the shielding frame covers the element mount frame, the window overlaps the light-receiving portion of the photodetector element, thereby permitting light to strike the photodetector element," as recited in each of claims 1 and 5, as amended.

To qualify as prior art under 35 U.S.C. §102, a single reference must teach, i.e., identically describe, each feature of a rejected claim. As explained above, the cited art fails to disclose or suggest each and every feature recited in independent claims 1 and 5. For at least these reasons, the Applicants respectfully submit that claims 1 and 5 are allowable over the cited art.

#### **Claims 2-4 and 6-9 Recite Patentable Subject Matter**

Regarding claims 2-4 and 6-9, the Applicants respectfully submit that each of these claims depends from one of allowable claims 1 and 5, and is therefore allowable for at least the same reasons, as well as for the additional subject matter recited respectively therein.

#### **Conclusion**

For all of the above reasons, it is respectfully submitted that claims 1-9 are in condition for allowance and a Notice of Allowability is earnestly solicited.

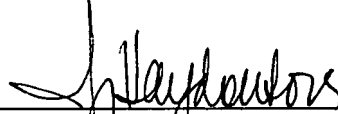
Should the Examiner determine that any further action is necessary to place this application into better form the Examiner is invited to contact the undersigned representative at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The Commissioner is hereby authorized to

charge any fee deficiency or credit any overpayment associated with this  
communication to Deposit Account No. 01-2300 referencing client matter number  
103213-00105.

Respectfully submitted,

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